

**MISSOURI PRIMATE FOUNDATION,  
CONNIE BRAUN CASEY, individually,  
ANDREW SAWYER, individually, and  
JANE DOES 1 and 2,**

**Case No. 4:16-cv-02163**

**PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS, INC. and  
ANGELA SCOTT a/k/a ANGELA G.  
CAGNASSO, individually,**

**COUNTERCLAIM DEFENDANT CONNIE BRAUN CASEY'S RESPONSE IN  
OPPOSITION TO COUNTERCLAIM PLAINTIFFS' MOTION TO COMPEL  
DISCOVERY AGAINST COUNTERCLAIM DEFENDANT CONNIE BRAUN CASEY**

COMES NOW Plaintiff/Counterclaim Defendant Connie Braun Casey (“Ms. Casey”), by and through the undersigned counsel, and in response to Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc.’s and Angela Scott’s (collectively “Counterclaim Plaintiffs”) Motion for and Order Compelling Discovery Against Counterclaim Defendant Connie Braun Casey (“Motion”), states as follows.

1. Counterclaim Plaintiffs complain that Ms. Casey has inadequately satisfied her duties under Rule 26 by not providing sufficient computation of her damages, showing how her damages have been calculated, and disclosing supporting documents. However, simply stated, Ms. Casey has no pending claim for damages, and so Counterclaim Plaintiffs' Motion as to this issue appears to be an academic exercise. To the extent Counterclaim Plaintiffs still insist on a

more specific explanation of Ms. Casey's damages as a result of Counterclaim Plaintiffs' vicious conduct, including humiliating, disparaging and intimidating her by, for instance, posting information about Ms. Casey (which Ms. Casey asserts are misleading, manipulated, and abusive of her right to privacy) and using Ms. Casey and her facility for their own fundraising purposes, Ms. Casey simply cannot put a specific figure or provide a mathematical basis in support thereof.

2. Counterclaim Plaintiffs also complain at the volume of documents Ms. Casey produced in response to their Document Requests directed to Ms. Casey. Counterclaim Plaintiffs suspiciously omit in their Motion that the undersigned counsel was not even aware of their Document Requests until June 5, 2018, when counsel for Counterclaim Plaintiffs first inquired about them via email. The undersigned counsel did not physically receive the Document Requests or learn of the contents until June 12<sup>th</sup> from Counterclaim Plaintiffs (Ms. Casey was not previously provided the Document Requests by prior counsel). Within three (3) days, responses were tendered and, as tacitly acknowledged in the Motion, Ms. Casey has continued to search and produce responsive documents (a strong indication that Ms. Casey is taking her obligations seriously).

3. Counterclaim Plaintiffs' Motion also fails to acknowledge (1) Ms. Casey did not assert any objections to the Document Requests (admittedly waived because the responses were out of time but non-the-less); (2) the undersigned counsel represented to Counterclaim Plaintiffs' counsel that the undersigned counsel was working with Ms. Casey to ensure that all responsive documents are collected and produced as soon as practicable, including supplementing her responses when additional documents are discovered; (3) the undersigned counsel advised Counterclaim Plaintiffs' counsel that Ms. Casey understood her duty to conduct a good faith search to find and produce any documents that may be responsive; and (4) with the exception of attorney-

client communications, all responsive documents that had been identified by Ms. Casey to the undersigned counsel were produced.

4. Counterclaim Plaintiffs demand to know what documents may have been destroyed. Unfortunately, as was advised by the undersigned counsel, Ms. Casey simply does not know what documents may have been lost, misplaced, inadvertently thrown away, or the like.

5. In short, the undersigned counsel can only advise the Court what was advised to Counterclaim Plaintiffs' counsel on several occasions: Ms. Casey can only produce what she has. Ms. Casey has and will continue to search and produce responsive documents as soon as they are found whether this Court determines that an Order as requested in the Motion is appropriate or not.

In light of the foregoing, Counterclaim Defendant Connie Braun Casey respectfully requests that this Court deny Counterclaim Plaintiffs' Motion for an Order Compelling Discovery Against Counterclaim Defendant Connie Braun Casey, and such other and further relief as this Court deems just and proper.

Dated this 12<sup>th</sup> day of July, 2018.

Respectfully Submitted,

KLAR, IZSAK & STENGER, L.L.C.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on **July 12, 2018**, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served via first class mail, postage prepaid, to the following:

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